CONFERENCE ON DISARMAMENT

CD/1675
17 June 2002

ENGLISH
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LETTER DATED 6 JUNE 2002 FROM THE PERMANENT REPRESENTATIVE OF THE REPUBLIC OF KAZAKHSTAN TO THE CONFERENCE ON DISARMAMENT ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE TRANSMITTING THE TEXTS OF THE ALMATY ACT AND OF THE CICA DECLARATION ON ELIMINATING TERRORISM AND PROMOTING DIALOGUE AMONG CIVILIZATIONS ACCEPTED BY THE FIRST SUMMIT OF THE CONFERENCE ON INTERACTION AND CONFIDENCE-BUILDING MEASURES IN ASIA, HELD ON 4 JUNE 2002 IN ALMATY, KAZAKHSTAN

I have the honour to transmit herewith the texts of the Almaty Act and of the CICA Declaration on Eliminating Terrorism and Promoting Dialogue among Civilizations accepted by the First Summit of the Conference on Interaction and Confidence-Building Measures in Asia, held on 4 June 2002 in Almaty, Kazakhstan.

I should be grateful if these texts could be issued as official documents of the Conference on Disarmament and distributed to the delegations of all member States of the Conference and non-member States participating in its work.

(*Signed*): Nourlan DANENOV
Ambassador
Permanent Representative of the Republic of Kazakhstan
to the Conference on Disarmament

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Almaty Act

Preamble

We, the Heads of State or Government of the Member States of the Conference on Interaction and Confidence Building Measures in Asia (CICA),

Having met in Almaty at a time of profound changes which are taking place in Asia and the world to set up our vision of security in Asia and enhance our capabilities for co-operation on issues of common concern for our peoples;

Recognising the close link between peace, security and stability in Asia and in the rest of the world;

Committing ourselves to working to ensure peace and security in Asia and making it a region open to dialogue and co-operation;

Believing that the CICA process presents new opportunities for co-operation, peace and security in Asia;

Declaring our determination to form in Asia a common and indivisible area of security, where all states peacefully co-exist, and their peoples live in conditions of peace, freedom and prosperity, and confident that peace, security and development complement, sustain and reinforce each other;

Reaffirming our commitment to the UN Charter, as well as to the Declaration on the Principles Guiding Relations Among CICA Member States, which is an integral part of the Almaty Act, as the basis for our future co-operation;

Considering that all aspects of comprehensive security in Asia, including its political and military aspects, confidence-building measures, economic and environmental issues, humanitarian and cultural co-operation, are interdependent and interrelated and should be pursued actively;

Confident that full, equal and comprehensive implementation and observance of the principles, provisions and commitments enshrined in the Almaty Act will create the conditions for advanced co-operation among the CICA Member States and will guide us towards a better future, which our peoples deserve;

Have adopted the following:

I. Security and co-operation

1. The main objective and thrust of the CICA will be to enhance co-operation through elaborating multilateral approaches towards promoting peace, security and stability in Asia.

2. In order to achieve this objective, the Member States will take the necessary steps to develop the CICA as a forum for dialogue, consultations and adoption of decisions and measures on the basis of consensus on security issues in Asia.

3. We call upon and continue to encourage all Member States who are parties to a dispute to settle this peacefully in conformity with the principles envisaged in the UN Charter.

4. Recognising the contribution which increased trade and economic co-operation can make for the prosperity and stability in Asia and to the well-being of their peoples. we will make further efforts to promote initiatives in these fields, as mentioned in the Declaration on the Principles Guiding Relations among the CICA Member States. We also recognise the need for better co-operation on all issues which constitute risks to the environment.

5. The Member States reiterate their belief that protection of human rights and fundamental freedoms in accordance with the UN Charter and the international conventions and instruments to which they are parties contributes to the consolidation of peace, security and stability in Asia. They also declare their readiness to further their co-operation in this field in a spirit of friendliness.

6. We consider that humanitarian issues, such as natural disasters and refugee flows, are areas of common concern since they also affect stability and security in the region. The Member States are resolved to developing measures, where necessary, to address these issues through co-operation in the region as well as with the UN and other relevant international organisations.

7. We believe that enhancing mutual respect, mutual understanding and tolerance in the relations among civilisations is an important goal for our times. Noting with satisfaction the designation of the first year of the millennium as the year of Dialogue among Civilisations, we shall encourage and strengthen this process.

8. We consider globalisation as a challenge of our time. While it could offer certain opportunities for growth and development, at present the benefits of globalisation are unevenly shared among the nations and much remains to be done to ensure that its benefits be comprehensively and equitably distributed at the global level.

9. Joint actions and co-ordinated responses are necessary to deal with challenges and threats that our states and peoples are faced with.

II. CHALLENGES TO SECURITY

10. The Member States seek to promote regional and international security and stability, which will also contribute to peaceful settlement of existing and prevention of the emergence of new crisis situations and disputes.

11. The continuing existence and proliferation in all its aspects of nuclear weapons, as well as chemical and biological weapons, pose a great threat to all humanity. The Member States pledge to support the efforts for the global elimination of all weapons of mass destruction (WMD) and therefore they commit themselves to an increased co-operation for the prevention of

proliferation of all such weapons, including nuclear weapons, which constitute a particular danger to international peace and security.

12. With the end of the Cold War, the opportunity now exists for the international community to pursue nuclear disarmament as a matter of the highest priority. We shall encourage all nations to keep all options open for achieving this aim, including the possibilities of convening an international conference to identify ways of eliminating nuclear dangers and negotiating a comprehensive and verifiable nuclear weapons convention. We affirm the importance of the early realisation of the universal adherence to the multilaterally negotiated instruments on the elimination of WMD, and urge those states not yet party to these instruments to accede to them as soon as possible.

13. We support the establishment of zones free from nuclear weapons and other WMD in Asia on the basis of arrangements freely arrived at among the states of the region concerned. The establishment of such zones in regions for which consensus resolutions of the UN General Assembly exist, such as the Middle East and Central Asia, should be encouraged; in this context, we invite adherence to internationally negotiated disarmament and non-proliferation instruments in accordance with all the provisions of the relevant consensus resolutions of the UN and the positions of states concerned on the implementation of these resolutions.

14. The Member States reaffirm their belief in the need of ensuring security at the lowest level of armament and military forces. We recognise the necessity to curb excessive and destabilising accumulation of conventional armaments. We emphasise the importance of the maintenance of the international strategic stability to world peace and security and to the continued progress of arms control and disarmament. We emphasise the importance of multilateral negotiations on the prevention of an arms race in outer space.

15. We believe that direct or indirect threat or use of force in violation of the UN Charter and international law against the sovereignty, territorial integrity and political independence of the states; denial of the right to self-determination of peoples which remain under foreign occupation (a right which has to be exercised in accordance with the UN Charter and international law); interference in the internal affairs of states and offensive strategic doctrines pose threats to regional and international peace.

16. The Member States unconditionally and unequivocally condemn terrorism in all its forms and manifestations as well as any support or acquiescence to it and the failure to directly condemn it. The threat posed by terrorism has been increasingly growing over the last decade. Terrorism in all its forms is a trans-national threat, which endangers the lives of individuals and peoples and undermines the territorial integrity, unity, sovereignty and security of states. The menace of terrorism has been magnified by its close links with drug trafficking, illicit trafficking of small arms and light weapons (SALWs) and their transfers in any form to terrorist groups, racist ideologies, separatism, all forms of extremism which present basic sources of financing and providing manpower for terrorist activities. We regard as criminal all acts, methods and practices of terrorism and declare our determination to co-operate on bilateral as well as multilateral basis to combat terrorism including its possible sources. In order to eradicate this menace to peace and security, we shall reinforce and unite our efforts in order not to allow

terrorism in any form to be prepared, assisted, launched and financed from the territory of any state and we shall refuse to provide terrorists with safe haven and protection.

17. We recognise that implementation of the UN Conventions will contribute to tackling the problems of terrorism and support the elaboration of a Comprehensive Convention on International Terrorism.

18. Separatism is one of the main threats and challenges to the security and stability, sovereignty, unity and territorial integrity of states. The Member States shall not support on the territory of another Member State any separatist movements and entities, and, if such emerge, not to establish political, economic and other kinds of relations with them, not to allow the territories and communications of the Member States to be used by the above-mentioned movements and entities, and not to render them any kind of economic, financial and other assistance. We reaffirm the right of people living under foreign occupation for self-determination in accordance with the UN Charter and international law.

19. We reject the use of religion as a pretext by terrorists and separatist movements and groups to achieve their objectives. We also reject all forms of extremism and will work to promote tolerance among our nations and peoples.

20. Illicit drug trafficking represents a major threat to internal and international stability and security of our states and our continent as a whole as well as to the well-being of our peoples. This problem is closely linked with the socio-economic and political situation in several regions, terrorist activities across the world, and international criminal groups engaged in trans-national crime, money laundering and illicit SALW trafficking. We recognise that there are several states in Asia which require priority attention and assistance by the international community in order to combat drug trafficking. We also recognise the need for effective strategies to reduce production, supply and demand for drugs. In this respect, we will co-operate to monitor suspicious financial flows, including issues related to incomes and transparency of bank operations in accordance with the existing international legal instruments, and to identify the sources of production, consumption and trafficking of drugs. In order to assist the practical implementation of these tasks, multinational training courses and exercises as well as exchange of information among the competent authorities of the Member States will be promoted. We also call upon major consuming countries to play a more active role in providing equipment, training and educational courses, rehabilitation, technical and financial assistance to Asian drug producing and transit countries. Adoption and implementation of crop substitution plans and alternative development strategies in drug producing regions in Asia should also be encouraged to tackle the menace of illicit drugs more effectively.

21. We also recognise corruption as a trans-national crime which calls for concerted multilateral action. In this regard, we emphasise the need for banning the transfer of illicit funds and wealth and also the need for enhanced international co-operation in tracing and repatriating such assets.

22. The Member States recognise that illicit traffic in small arms and light weapons poses a threat to peace and security and is directly linked with terrorist activity, separatist movements, drug trafficking and armed conflicts. In this context, we underline the importance of the Firearms

Protocol reached in the framework of the UN Convention against Transnational Organised Crime and the Programme of Action adopted by the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects which was held in New York in July 2001

23. We are determined to co-operate with each other on bilateral and multilateral basis to prevent such threats to peace and security in Asia.

III. Confidence Building Measures

24. In the context of achieving CICA objectives, we will take the necessary steps for the elaboration and implementation of measures aimed at enhancing co-operation and creating an atmosphere of peace, confidence and friendship. Such measures should be in accordance with the principles of the UN Charter, CICA, and international law. In doing so, we will take into account specific features and characteristics in various regions in Asia and proceed on a gradual and voluntary basis.

25. We encourage all states in the region having disputes to make efforts to solve their disputes peacefully through negotiations in accordance with the principles enshrined in the UN Charter and international law. We recognise that the resolution of territorial and other disputes and implementation of arms control agreements may, depending upon specific situations, facilitate implementation of confidence building measures (CBMs); on the other hand, we also recognise that implementation of CBMs may, depending upon specific situations, facilitate, or create a conducive climate for, the resolution of disputes and arms control agreements.

26. We recognise that disarmament and arms control, universality of all internationally negotiated instruments on the elimination of weapons of mass destruction, promoting non-proliferation, have a significant role in enhancing confidence building among regional states. We affirm that being a State Party to the relevant internationally negotiated instruments should not be interpreted as affecting the inalienable right of all parties to those treaties to develop research, production and use of nuclear technology, chemical and biological materials and equipment for peaceful purposes in accordance with the provisions of these instruments. We reiterate the importance of negative security assurances to the non-nuclear-weapon states and express our readiness to consider further steps on this subject which could take the form of an internationally legally binding instrument.

27. The Member States will prepare with mutual agreement a "CICA Catalogue of Confidence Building Measures" and proceed on a gradual basis for its implementation. The Catalogue, which will be regularly reviewed and further developed, may include, among others, measures in the military–political, economic and environmental, humanitarian and cultural spheres.

IV. Structure and institutions of CICA

28. In order to facilitate its efficient functioning, we have decided to provide for CICA the necessary structure and institutions, consisting mainly of the following:

1. Regular meetings

29. The meetings of the Heads of State or Government will be convened every four years in order to conduct consultations, review the progress of, and set priorities for CICA activities. Special meetings may be convened as necessary by consensus. Summit meetings will be preceded by meetings of the Ministers of Foreign Affairs.

30. The Ministers of Foreign Affairs will meet every two years. Their meetings will be the central forum for consultations and examination of all issues related to CICA activities. Special meetings may be convened as necessary by consensus.

31. The Committee of Senior Officials will meet at least once a year to follow-up on previous CICA decisions, carry out consultations on the current CICA issues, oversee the work of Special Working Groups and co-ordinate the work of other meetings. The Committee will also make the necessary preparations for the organisation of the Summit and ministerial meetings, including elaboration of draft documents.

32. Special Working Groups will be established to study specific issues relevant to CICA's areas of interest and to carry out the tasks mandated to them. They will submit the results of their work to the Committee of Senior Officials.

2. Specialised meetings

33. The Member States may agree to convene meetings of other ministers or of the competent national agencies and institutions in order to discuss issues of a specific and/or technical nature.

3. Academic and professional inputs

34. Opportunities will be provided as necessary for academic and professional inputs and reports, as well as assistance and contributions to publications which CICA may decide to produce.

4. Secretariat

35. In order to provide follow-up and administrative support for regular meetings and political consultations and other activities mentioned in the Almaty Act, we support the establishment of a Secretariat of the CICA. We task our Ministers of Foreign Affairs to finalise the elaboration of all aspects related to the establishment of the Secretariat.

Done in Almaty, June 4, 2002

CICA Declaration on Eliminating Terrorism and Promoting Dialogue among Civilizations

We, the Heads of State or Government of the Member States of the Conference on Interaction and Confidence Building Measures in Asia (CICA), gathered in Almaty for the First CICA Summit, do hereby declare the following:

We are deeply concerned by the increase in all acts of terrorism worldwide, including in CICA Member States. We are fully committed to fighting terrorism and strengthening bilateral, regional and international cooperation, in accordance with the UN Charter, required to meet this challenge. We emphasize the central role of the United Nations, its General Assembly and Security Council, in developing the framework for this.

We express our deepest sorrow over the loss of innocent lives in all acts, methods or practices of terrorism and convey our sympathies and condolences to the families of the victims.

We condemn all forms and manifestations of terrorism, committed no matter when, where or by whom, as barbaric offences and criminal acts indiscriminately directed at the life and well-being of innocent individuals and peoples as well as threatening the peaceful coexistence among nations. No considerations whatsoever can be invoked to justify terrorism.

We are convinced that terrorism constitutes a direct violation of human rights and, in particular, the right to life, freedom, security and development.

We emphasize that eliminating terrorism is the common goal of all cultures and civilizations. We believe that all religions of the world reject violence and terrorism and advocate the protection of human rights.

We underline that terrorism cannot be attributed to religion, nationality, or civilization. We believe that it is essential not to allow terrorists to lure us into a conflict of religions, cultures or civilizations. We also pledge to be particularly vigilant, in order to ensure that the global fight against terrorism does not become a war targeting particular cultures, religions or nations. We all stand united in this fight.

We reaffirm our strong commitment to all norms and principles of international law, the purposes and principles of the UN Charter, including the right to self-determination, and the CICA Almaty Act concerning the maintenance of international peace and security and the promotion of good-neighbourly and friendly relations and cooperation among countries. •

We actively support efforts undertaken by the international community, in accordance with UN Charter, to combat terrorism. The fight against terrorism should be global, comprehensive and sustained, and not selective or discriminatory and should avoid applying double standards. We are also against using the fight against terrorism as a pretext for

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• The Republic of Azerbaijan reserves its special position on this paragraph.

interference in the internal affairs of sovereign States. We reject the use of force not in compliance with the UN Charter against sovereign States.

We reaffirm the key significance of, and pledge to fully support implementation of, UN Security Council Resolution № 1373 and other relevant UN resolutions on combating terrorism which provide the basic framework for national, regional and international obligations and efforts to combat this universal evil.

We underscore the need to respect human rights and rule of law in combating terrorism.

We encourage States Parties to the various UN anti-terrorism Conventions to consult and cooperate, in accordance with the provisions of these Conventions, to ensure their effective implementation. We will contribute to the early elaboration and adoption by the UN of other appropriate instruments, such as the Comprehensive Convention on International Terrorism and the International Convention for the Suppression of Acts of Nuclear Terrorism.

We are open for cooperation in combating terrorism with all other states, regional and international organizations and forums. Taking into account the trans-national character of terrorism, as well as its close links with other challenges and threats to security such as organized crime, narcotics and human trafficking as well as illicit arms trafficking, we will seek to foster cooperation between our relevant authorities and to maintain regular exchange of information in order to enhance international capacity to stop financing of terrorism and eliminate it.

We consider as one of the primary tasks of the international community to strengthen efforts to eliminate poverty, unemployment, illiteracy, extremism, intolerance, entrenched hatred and all forms of discrimination. We believe that it is necessary to ensure sustainable development of all regions of the world and to pay more attention to the socio-economic impact of globalization. It will also be of high importance for our cause to encourage the peaceful settlement of regional and international crises and conflicts.

We support international efforts for the rehabilitation and reconstruction of Afghanistan in order to help revive this country as a stable and prosperous member of the international community.

The CICA Member States intend to strengthen cooperation and dialogue among them in order to promote common values, mutual understanding and confidence for the benefit of the joint fight against terrorism.

We consider CICA as a unique Asian forum which comprises states of different cultures and traditions making it one of the most important mechanisms to promote dialogue among civilizations and cultures. In this context, we reconfirm our full support for the United Nations General Assembly Resolution A/RES/56/6 on Dialogue among Civilizations and are convinced that implementation of its Programme of Action positively contributes to international efforts to attain universal peace, welfare and stability. The CICA Member States intend to comprehensively and actively promote such a dialogue taking into account that Eurasia has not only been a cradle of some of the world's largest civilizations but has also served as a bridge between them.

Almaty, June 4, 2002

CONFERENCE ON DISARMAMENT

CD/1676
19 June 2002

Original: ENGLISH

LETTER DATED 11 JUNE 2002 FROM THE PERMANENT REPRESENTATIVE OF THE NETHERLANDS TO THE CONFERENCE ON DISARMAMENT ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE TRANSMITTING A SUMMARY OF THE OPEN-ENDED INFORMAL MEETING ON A TREATY BANNING THE PRODUCTION OF FISSILE MATERIAL FOR NUCLEAR WEAPONS AND OTHER NUCLEAR EXPLOSIVE DEVICES HELD IN GENEVA ON 7 JUNE 2002

I have the honour to forward to you a summary of the open-ended informal meeting on the issue of banning the production of fissile material for nuclear weapon and other nuclear explosive devices, that was organized in Geneva on Friday, 7 June 2002 by the delegation of the Kingdom of the Netherlands to the Conference on Disarmament.

The total number of participants in this meeting was well over 100. Over 40 countries attended this meeting as well as representatives from NGOs, some international organizations as well as the IAEA in Vienna.

In his introduction, Dr. Barnaby – a well-known nuclear physicist and former director of SIPRI in Stockholm – outlined the need for such a treaty. The CTBT – apart from being an efficient non-proliferation instrument – sets a qualitative limit to the development of nuclear weapons. The treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices will set a quantitative limit on the production of fissile material. It therefore will be an important contribution towards non-proliferation and an essential next step towards nuclear disarmament. It will also contribute to reducing the risks of nuclear terrorism.

The discussion afterwards highlighted the need for a better understanding of the subject. Issues raised in the discussion included the risks of proliferation of plutonium and highly enriched uranium, the physical protection of fissile material stocks, reprocessing, MOX-ing, semi-military uses like naval-propulsion, nuclear terrorism and the feasibility of producing a so-called "dirty bomb" from highly enriched uranium.

Participants encouraged my delegation to continue this exercise. My delegation intends to organize the next meeting on substantive issues in this exercise mid-September.

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I would be grateful if you could issue this letter as well as the attachments to this letter as an official document of the Conference on Disarmament, and distribute it to all Member States of the Conference and non-member States participating in its work.

(Signed:) Chris C. Sanders
Ambassador
Permanent Representative of the Netherlands
to the Conference on Disarmament

Non-Paper on the Exercise on Banning the Production of Fissile Material for Nuclear Weapons and Other Nuclear Explosive Devices: an Essential Step Towards Nuclear Disarmament and Non-Proliferation

Organized by the Permanent Mission of the Netherlands to the Conference on Disarmament
Geneva, 7 June 2002

Banning the production of fissile material for nuclear weapons and other nuclear explosive devices is an essential step towards nuclear disarmament and non-proliferation.

For several years now, the UN General Assembly has adopted – by consensus – a resolution, which calls for the immediate commencement in the Conference on Disarmament of negotiations on such a treaty. Although the mandate for these negotiations (CD/1299) dates back to 1995, these negotiations have still not yet begun because of the stalemate in the Conference on Disarmament.

Our first and foremost priority is, and will be, to reach a consensus on a Program of Work for the Conference on Disarmament, which is a vital instrument and the sole body for multilateral disarmament negotiations. Many Presidents of the Conference have made great endeavours to reach that consensus; unfortunately, however, up till now their efforts have not led to the desired result.

As long as the CD has not reached consensus on its Program of Work, we consider it important and necessary to address the important nuclear disarmament and non-proliferation issues in a constructive way. With that objective the Permanent Mission of the Netherlands to the Conference on Disarmament will organize a sequence of open-ended informal meetings of an informative and educational nature on the issue of fissile material for nuclear weapons and other nuclear explosive devices.

The purpose of this exercise is to better prepare delegations in Geneva for the actual negotiations in the Conference on Disarmament on a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices.

This will be done through informative and educational briefings, followed by a discussion and exchange of views among participants in the exercise. The topics of these meetings will be of a general nature, concerning issues relevant to these negotiations.

The exercise is open to all Member States to the Conference on Disarmament, as well as to those States that have Observer Status to the Conference on Disarmament. Occasionally, experts from e.g. the IAEA., think tanks and NGOs will also be invited to participate in and contribute to this exercise.

This exercise will be organized in a fully transparent way. The Permanent Mission of the Netherlands to the Conference on Disarmament will provide brief summaries of topics discussed in the meetings of this exercise to all interested delegations.

Attendance at the informal meetings of this exercise, organized by the Permanent Mission of the Netherlands to the Conference on Disarmament, or participation in the discussions, will in no way affect your national position on the Program of Work of the Conference in general, nor on the future negotiations on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in particular.

PUTTING A BAN ON THE PRODUCTION OF FISSILE MATERIALS FOR USE IN NUCLEAR WEAPONS INTO CONTEXT

Its role in nuclear proliferation, nuclear disarmament and nuclear terrorism

Frank Barnaby

When the Cold War ended, about 10 years ago, it was generally assumed that the importance given by political leaders to nuclear weapons would dramatically decrease, and many hoped that there would be fast progress in nuclear disarmament leading to the abolition of nuclear weapons. The first step in this direction would be a Comprehensive Test Ban Treaty (CTBT), closely followed by a ban on the production of fissile materials for use in nuclear weapons.

Unfortunately, this was not to be. In fact, nuclear weapons are now back on the agenda to an extent reminiscent to that at the height of the Cold War. For example, according to leaks to the press, the US Nuclear Policy Statement, completed at the end of 2001, describes the role of nuclear weapons well into the future, not as part of a nuclear deterrent policy but as part of America's war-fighting strategy. Apparently, the Pentagon is preparing contingency plans to use nuclear weapons against targets in seven or more countries – including China, Iran, Iraq, Libya, Russia and Syria.

And in March 2002, the British Minister of Defence announced, for the first time ever, that British nuclear weapons could be used in a first strike and against countries that used biological or chemical weapons against British forces or against targets in the UK. Both the American and British governments have now reneged on their security assurance guarantees not to use nuclear weapons against countries that do not have them and are not allied to a nuclear-weapon power.

These new policies have been adopted in spite of the "unequivocal undertaking to accomplish the total elimination" of their nuclear weapons entered into by the USA and the UK, along with the other established nuclear-weapon states (China, France and Russia) at the 2000 Review Conference of the Non-Proliferation Treaty (NPT).

One hundred and eighty-seven countries have ratified the NPT; making it the world's most comprehensive multilateral nuclear arms control treaty.

How could far-reaching nuclear disarmament be achieved?

It is hard to see far-reaching nuclear disarmament being achieved except by a phased programme of measures, which many believe should be a timed programme. The programme should first aim to prevent both horizontal nuclear proliferation (the spread of nuclear weapons to countries which do not now have them) and vertical nuclear proliferation (increases in the numbers and improvements in the quality of the nuclear weapons in the arsenals of the nuclear-weapon powers). It should then move to reducing the nuclear arsenals, eventually to zero.

This would involve the following major measures:

(1) existing treaties, the most important of which are:

- the 1991 START I Treaty and the 1993 START II Treaty;
- the 1972 Anti-Ballistic Missile Treaty;
- the 1987 Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles (INF Treaty);
- the 1968 Nuclear Non-Proliferation Treaty (NPT);
- the 1996 Comprehensive Nuclear Test Ban Treaty (CTBT);
- the four treaties creating nuclear-weapon-free zones (in Latin America [1967], in the South Pacific [1985], in South East Asia [1995], and in Africa [1996]); and

(2) measures yet to be negotiated, including:

- further reductions in the American and ex-Soviet tactical and strategic nuclear arsenals below the levels so far bilaterally negotiated or unilaterally announced;
- * reductions in the British, French, and Chinese nuclear arsenals by multilateral negotiations;
- the standardization of the nuclear-export policies of the nuclear suppliers that should be made legally enforceable with sanctions, preferably in a treaty;
- a treaty prohibiting the first use of nuclear weapons, ratified by all the nuclear-weapon powers;
- a strengthening of the international nuclear safeguards system; and
- a ban on the further production of fissile materials for use in nuclear weapons.

Of the existing treaties, the START II Treaty has yet to be ratified by the USA and will not be during the Bush Presidency, if ever; the US will leave the ABM Treaty in June 2002; and the CTBT, fatally weakened by the failure of the US to ratify it, has yet to come into force.

It is generally assumed that the next nuclear arms control measure negotiated will be a multilateral treaty prohibiting the further production of fissile material for nuclear weapons (often called a Fissile Material Cut-Off Treaty, FMCT) and that the negotiations will take place in the Conference on Disarmament (CD) in Geneva.

American and Russian bilateral talks

The vast bulk of the 30,000 or so nuclear weapons in today's world are American or Russian (see table below). The other countries with nuclear weapons – China, France, the United Kingdom, India, Israel and Pakistan – have a total of about 1,200 in their nuclear arsenals.

Although the Bush Administration has announced its willingness and intention to cut the number of nuclear weapons it deploys, it is maintaining thousands of nuclear weapons in its core stocks and is planning the development of new nuclear weapons – a nuclear warhead able to penetrate deep into the ground, to destroy hardened underground targets like bunkers; a new intercontinental ballistic missile to be deployed in 2020; and a new bomber to be operational in 2040. By turning its back on the CTBT, the US may have signalled an intention to start nuclear testing again. There is also talk of putting nuclear warheads on anti-ballistic missiles as part of the US National Missile Defence programme. The pressure to use nuclear-typed anti-ballistic missiles will increase as more tests using conventional hit-to-kill anti-ballistic missiles fail.

These new developments are planned to revitalize American nuclear forces to include a "new Triad of nuclear capabilities that combine nuclear and conventional offensive strikes with missile defences and nuclear-weapons infrastructure". They demonstrate that the Bush Administration believes that nuclear weapons will be an integral part of US military forces for at least the next 50 years.

The Americans have officially announced that they would like to reduce the number of their deployed strategic nuclear weapons from the current 7,000 or so nuclear warheads, most of which are on alert status able to be fired on 15 minutes notice, to between 1,700 and 2,200 deployed strategic nuclear weapons.

At the Bush-Putin summit, May 23 to 26, 2002, the Russians and Americans agreed to a Treaty reducing the numbers of deployed strategic nuclear warheads to between 1,700 and 2,200 by the year 2012. This is a considerable reduction in the current number of about 6,000 on each side.

But there are serious objections to the Treaty. There is no requirement to dismantle retired warheads; each side can return to any force level it chooses after 2012; each side can pull out of the Treaty with 90 day's notice; there are no controls on tactical nuclear weapons; and there are no commitments on the verification of the Treaty. And a major question is: Will the Russian Duma and the USA Senate ratify the Treaty?

The USA and Russia are likely to retain a stockpile of whole weapons and components that will allow them to deploy about 16,000 more nuclear weapons very rapidly if they take the political decision to do so.

The treaty is hardly a nuclear disarmament treaty. Rather it is an agreement to limit the number of deployed nuclear weapons kept on alert status. This is, of course, something to be pleased about. Given the current high level of trust between the USA and Russia, many observers argue that they could have irreversibly reduced their nuclear arsenals to a much greater extent.

The next steps

It is apparent that the Bush Administration sees no point in negotiating multilateral treaties. It prefers unilateral steps. The only multilateral treaty that the Bush Administration is really keen to maintain is the Non-Proliferation Treaty. It also wants negotiated a ban on the further production of fissile materials for use in nuclear weapons. This gives some hope that such a ban will in due course be negotiated.

What has happened so far

The concept of a FMCT dates back 56 years to the end of World War II, making it the first officially suggested nuclear arms control measure. A FMCT was part of American Baruch Plan. It was further advanced by President Dwight Eisenhower in his 'Atoms for Peace' speech at the United Nations General Assembly on 8 December, 1953, when he said: "The United States would seek more than the mere reduction or elimination of atomic materials for military purposes".

During the 1960s, when the negotiations for a NPT were in progress, a ban on the production of fissile materials for military purposes was included in a group of measures - together with a CTBT, reductions in the nuclear arsenals of the nuclear-weapon powers, and the international management, control, and storage of plutonium. After 1978, resolutions calling for a ban on the production of fissile materials for nuclear weapons were regularly passed by the General Assembly but there was little hope of progress while the Cold War was on.

With the end of the Cold War and the perceived need to make progress in arms control, the concept in its own right was given a considerable impetus by President Bill Clinton. In his speech to the General Assembly in September 1993 he said: "We will pursue new steps to control the materials for nuclear weapons. Growing global stockpiles of plutonium and highly enriched uranium are raising the danger of nuclear terrorism in all nations. We will press for international agreement that would ban production of these materials for ever." Strong American support seemed to make such a ban realistic and attainable.

In 1993, General Assembly Resolution 48/75L recommended the negotiation of a non-discriminatory, multilateral, and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices. It requests the "International Atomic Energy Agency to provide assistance for examination of verification arrangements for such a treaty" but it does not say precisely what the role of the Agency should be. The treaty described in the Resolution would ban production but it says nothing about existing stocks of fissile materials. The Resolution was adopted by consensus.

As defined in the United Nations General Assembly Resolution, a treaty banning the production of fissile materials would cover the production of weapon-grade plutonium (plutonium containing more than 93 per cent of the isotope plutonium-239), weapon-grade highly-enriched uranium (uranium enriched to over 90 per cent uranium-235), and uranium-233 for nuclear weapons or other nuclear explosive devices, or outside of international safeguards.

On 25 January 1994, the members of the CD in Geneva agreed to appoint a Special Co-ordinator to "seek the views of its members on the most appropriate arrangement to negotiate" a FMCT. Although there was support for the negotiations of a FMCT to be conducted in the CD, it was soon apparent to the Special Co-ordinator, Canadian Ambassador Gerald E. Shannon, that a crucial political issue was the scope of the FMCT. Would it include the past production as well as the future production of fissile materials for nuclear weapons?

It was not until 23 March 1995 that Ambassador Shannon was able to report consensus on the negotiating mandate for the fissile-material ban and the establishment of an "*Ad hoc* Committee to negotiate a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other explosive devices." The difficulty about defining the scope of the ban was not solved but the adoption of the mandate was achieved by a compromise (some would say a fudge).

In the words of Ambassador Shannon: "During the course of my consultation, many delegations expressed concerns about a variety of issues relating to fissile material,

including the appropriate scope of the convention. Some delegations expressed the view that this mandate would permit consideration in the Committee only of the future production of fissile material. Other delegations were of the view that the mandate would permit consideration not only of future but also of past production. Still others were of the view that consideration should not only relate to production of fissile materials (past or future) but also to other issues, such as the management of such material. It has been agreed by delegations that the mandate for the establishment of the ad hoc Committee does not preclude any delegation from raising for consideration in the ad Hoc Committee any of the above noted issues".

No further progress on discussions in the CD about a FMCT was made until after the 1998 Indian and Pakistani nuclear-weapon tests. Until then, a number of CD members, mainly non-aligned, wanted the negotiation of a FMCT to be linked with discussions of a phased timetable of nuclear disarmament. The established nuclear-weapon powers have consistently refused to agree to such a link.

At the end of its 1998 session, the CD did establish an *ad hoc* committee to start negotiations of a FMCT. Canadian Ambassador Mark Moher chaired the committee. The committee lasted only three weeks before the session ended.

Obstacles to a FMCT

No decision was possible at the CD to reconvene the committee in 1999. Major obstacles to getting the negotiation of treaty underway were conflicts over how to deal with existing military stockpiles of fissile materials and over the relation of a FMCT to nuclear disarmament, particularly to a timed programme of nuclear disarmament.

The attitudes of the India, Pakistan and Israel, all of them nuclear-weapon powers, to the negotiation of a FMCT are, of course, very important. Pakistan has announced its willingness to agree to the negotiations of a FMCT at the CD but wants stocks to be included. The five established nuclear-weapon states, India and Israel want stocks to be excluded. Israel agreed to the commencement of negotiations but stated that it "reserved its position on the substance" of the issues negotiated.

Currently (June 2002), a (if not the) main obstacle to the commencement of negotiations of a FMCT is the attitude of China. Other members of the CD who were demanding a linkage of a FMCT to a timed programme of nuclear disarmament appear to have dropped their demands.

China argues strongly that a treaty on the prevention of an arms race in outer space (PAROS) should be negotiated at the CD. And it will not agree to the reconvening of the *ad hoc* committee to negotiate a FMCT unless an *ad hoc* committee to negotiate a treaty on PAROS is also established. China would also like a third *ad hoc* CD committee to discuss nuclear disarmament, all three committees to work in parallel.

If China would drop its linkage of a FMCT with PAROS, there seems to be no reason why negotiations for a FMCT should not quickly begin

The benefits of a FMCT

In summary, a FMCT is needed to:

- Restart negotiations on further nuclear arms control and disarmament measures - without a FMCT there is, to say the least, unlikely to be any progress in nuclear arms control and disarmament;
- Control the spread of nuclear weapons to countries that do not now have them;
- Encourage the control of fissile materials from which nuclear weapons or nuclear explosives can be fabricated;
- Increase the amount of weapon-usable fissile materials under international safeguards;
- Improve the effectiveness of nuclear export policies; and
- Reduce the risk of nuclear terrorism.

It should be noted that almost all plutonium, including that produced in civil nuclear reactors, could be used to produce effective nuclear weapons. The global stock of civil plutonium, separated from spent nuclear-power reactor fuel elements and kept in plutonium stores, is currently about 300 tonnes, enough to produce at least 60,000 nuclear weapons – twice the number now in the world's nuclear arsenals. A major issue is, therefore, whether or not a FMCT should somehow include civil plutonium within its scope.

In conclusion, an effective FMCT would reduce access to fissile materials by preventing the production of more of them for use in nuclear weapons and would

increase the amount of weapon-usable fissile materials under international safeguards. Both of these factors would make it more difficult to divert illegally fissile materials for the fabrication of nuclear weapons and explosives. The risk of both nuclear proliferation and nuclear terrorism would be reduced.

Table. THE NUCLEAR ARSENALS

Country total number of nuclear weapons deployed (strategic and tactical)

	Strategic	tactical	total
USA	7,200	1,670	8,870
Russia	5,600	3,600*	9,200
China	281	120	401
France	288	60	348
United Kingdom	85	0	185
India			about 35
Israel			about 200
Pakistan			about 36
TOTAL			about 20,000**

* includes 1,200 nuclear warheads on anti-ballistic missiles around Moscow

** in addition, there are over 10,000 nuclear weapons in reserve, mainly in the USA and Russia.

CONFERENCE ON DISARMAMENT

CD/1677
24 June 2002

ENGLISH
Original: RUSSIAN

LETTER DATED 19 JUNE 2002 FROM THE PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION TO THE CONFERENCE ON DISARMAMENT ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE TRANSMITTING THE STATEMENT BY THE MINISTRY OF FOREIGN AFFAIRS OF THE RUSSIAN FEDERATION ON THE LEGAL STATUS OF THE TREATY BETWEEN THE RUSSIAN FEDERATION AND THE UNITED STATES OF AMERICA ON FURTHER REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS (START II TREATY)

I have the honour to forward herewith the statement dated 14 June 2002 by the Ministry of Foreign Affairs of the Russian Federation on the legal status of the Treaty between the Russian Federation and the United States of America on Further Reduction and Limitation of Strategic Offensive Arms (START II Treaty).

I would be grateful if this statement could be issued as an official document of the Conference on Disarmament and distributed to the delegations of all member States of the Conference and non-member States participating in its work.

(Signed): Leonid SKOTNIKOV
Ambassador
Permanent Representative of the
Russian Federation to the
Conference on Disarmament

GE.02-62454 (E) 020702 020702

STATEMENT BY THE MINISTRY OF FOREIGN AFFAIRS OF THE RUSSIAN FEDERATION ON THE LEGAL STATUS OF THE TREATY BETWEEN THE RUSSIAN FEDERATION AND THE UNITED STATES OF AMERICA ON FURTHER REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS

In May 2000, the Russian Federation ratified the Treaty between the Russian Federation and the United States of America on Further Reduction and Limitation of Strategic Offensive Arms (START II Treaty) and the New York memoranda of understanding of 26 September 1997 on the Anti-Ballistic Missile Treaty. In this connection, there was a mutual understanding with the United States of America that it would act in like manner. This would have made it possible to put into effect these important agreements concerning the strategic offensive and defensive arms of the two countries.

The United States has, however, refused to ratify the START II Treaty and the New York memoranda of understanding. In addition, on 13 June 2002, the United States withdrew from the Anti-Ballistic Missile Treaty, with the result that this international legal instrument, which for three decades stood as the cornerstone of strategic stability, is no longer valid. In the light of these actions by the United States and on the basis of the provisions of the Federal Act ratifying the START II Treaty, the Russian Federation notes that none of the prerequisites for the entry into force of the START II Treaty exist and no longer considers itself bound by the obligation under international law to refrain from actions that could deprive this Treaty of its object and purpose.

14 June 2002

CONFERENCE ON DISARMAMENT

CD/1678
24 June 2002

ENGLISH
Original: SPANISH

LETTER DATED 19 JUNE 2002 FROM THE PERMANENT REPRESENTATIVE OF PERU ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF THE LIMA COMMITMENT SIGNED ON 17 JUNE 2002 BY THE MINISTERS FOR FOREIGN AFFAIRS AND OF DEFENCE OF BOLIVIA, COLOMBIA, ECUADOR, PERU AND VENEZUELA ESTABLISHING THE ANDEAN CHARTER FOR PEACE AND SECURITY AND FOR THE LIMITATION AND CONTROL OF FOREIGN DEFENCE SPENDING

I have the honour to forward herewith the text of the Lima Commitment, signed on 17 June 2002 by the Ministers for Foreign Affairs and of Defence of Bolivia, Colombia, Ecuador, Peru and Venezuela, establishing the Andean Charter for Peace and Security and for the Limitation and Control of Foreign Defence Spending.

I should be very grateful if you could arrange to have the enclosed document circulated as an official document of the Conference on Disarmament to the delegations of all member and observer States.

(Signed) Jorge VOTO-BERNALES
Ambassador

GE.02-62461 (E) 040702 080702

CONFERENCE OF MINISTERS FOR FOREIGN AFFAIRS AND OF DEFENCE OF THE ANDEAN COMMUNITY

The Ministers for Foreign Affairs and of Defence of Bolivia, Colombia, Ecuador, Peru and Venezuela,

Meeting in the city of Lima for the purpose of analysing the proposal put forward by President Alejandro Toledo to promote a common view of security and peace and of the enhancement and expansion of confidence-building measures, together with the implementation of initiatives designed to help limit foreign defence spending;

Bearing in mind the proposal to create an international humanitarian fund which, financed by savings from reduced defence spending, would, among other things, help to boost efforts by Andean Community countries to meet their social needs;

Believing that the existence of democratic regimes in the region strengthens mutual peace, friendship, understanding and cooperation among the peoples and Governments of the Andean Community;

Convinced that peace and stability are values that are strengthened by the existence of the rule of law, democracy and respect for human rights;

Conscious that economic and social development tasks, particularly the challenge of reducing the poverty in our societies, are shared national objectives that require limits to be set to foreign defence spending;

Highlighting the Andean Commitment to Peace, Security and Cooperation, contained in the Galápagos Declaration of 18 December 1989;

Recalling that the Andean Presidents instructed the Andean Council of Ministers for Foreign Affairs to draw up the guidelines for a Community security and confidence-building policy, with a view to establishing an Andean peace zone;

Bearing in mind that the common foreign policy involves a broad degree of political cooperation that is opening up a new stage in Andean integration and that it has identified as one of its priority areas the adoption of "joint measures to promote a culture of peace and peaceful settlement of disputes, confidence-building, particularly in border areas, arms limitation and the development of new regional approaches to security";

Considering that, in the Declaration of Santa Cruz de la Sierra, of 30 January 2002, the Andean Presidents welcomed the initiative of Peruvian President Alejandro Toledo to hold a conference of the ministers for foreign affairs and of defence of the Andean Community member countries in Lima for the purpose of examining the proposal to reduce defence spending, so that more resources could be allocated to social investment and poverty alleviation, bearing in mind domestic security needs and current spending levels,

Have agreed to approve the following:

LIMA COMMITMENT

ANDEAN CHARTER FOR PEACE AND SECURITY AND FOR THE LIMITATION AND CONTROL OF FOREIGN DEFENCE SPENDING

I. PRINCIPLES FOR FORMULATING AN ANDEAN COMMUNITY SECURITY POLICY

The member States of the Andean Community reaffirm their commitment and adherence to the purposes and principles of the United Nations Charter and the Charter of the Organization of American States and to the formulation of a Community policy on security and confidence-building based on the following principles:

1. Preservation of the rule of law and democracy as the system of government;

2. Promotion and protection of human rights;

3. Application of humanitarian international law;

4. Abstention from the threat or use of force in their reciprocal relations;

5. Peaceful settlement of disputes;

6. Respect for the territorial integrity and sovereignty of each member State;

7. Non-interference in internal affairs;

8. Respect for international law and international obligations;

9. Observance of the collective security systems of the United Nations and the Organization of American States;

10. Cooperation for development;

11. Strengthening of the integration process.

II. COMMITMENT TO THE FORMULATION OF AN ANDEAN COMMUNITY SECURITY POLICY

The member States of the Andean Community agree:

1. To reaffirm their commitment to peace, security, renunciation of the threat or use of force, the peaceful settlement of disputes and respect for international law;

2. To submit to the Andean Presidential Council, at its fifteenth meeting, a proposal on a common Andean security policy framed within a context of democracy and non-offensive external security, based on the principles established in the Charter of the United Nations and the Charter of the Organization of American States;

3. To convene, before December 2002, a series of seminars on the following subjects: security of the hemisphere, from the Andean perspective; the regional war on terrorism, military spending and security; and confidence-building measures. Both military and civil representatives from the five member countries will participate in these seminars, whose purpose will be to launch discussions on aspects of basic importance for the formulation of an Andean Community security policy;

4. To form a high-level group on security and confidence-building, with the participation of senior foreign affairs and defence officials from the five member countries, who will be responsible for coordinating studies with a view to drawing up the common Andean security policy. The first meeting of the group should be held during the first half of 2003, as a follow-up step to the holding of the seminars.

III. COMMITMENT TO ESTABLISH A PEACE ZONE IN THE ANDEAN COMMUNITY

The member States of the Andean Community agree:

1. That the arrangements and criteria should be determined for the setting up of a peace zone in the Andean Community, in conformity with the agreement adopted by the heads of State in the Act of Carabobo, as a guarantee of the peace and security which the Andean Governments undertake to ensure for their countries;

2. That the Andean Community peace zone shall cover the area comprising the territories, airspace and waters under the sovereignty and jurisdiction of Bolivia, Colombia, Ecuador, Peru and Venezuela;

3. That, in the Andean Community peace zone:

- The threat or use of force between member States shall be prohibited, pursuant to the applicable provisions of the United Nations Charter and the Charter of the Organization of American States;

- The deployment, manufacture, transport and use of nuclear, biological and chemical weapons shall be banned, in conformity with the provisions of the Treaty of Tlatelolco and the international conventions on chemical, biological and toxin weapons;

- All nuclear testing shall be banned;

- A system for gradually eliminating anti-personnel landmines shall be set in place, leading to their total eradication at the earliest possible stage, as stipulated in the Ottawa Convention;

- The development, manufacture, possession, deployment and use of all weapons of mass destruction, as well as their transit through the countries of the subregion, shall be prohibited;

- Cooperation for development and integration shall be promoted;

4. That the Andean countries will submit draft resolutions to both the General Assembly of the United Nations and the General Assembly of the Organization of American States, with a view to promoting recognition of the Andean peace zone by the international community.

IV. REGIONAL COMMITMENT TO THE WAR ON TERRORISM

The member States of the Andean Community agree:

1. To step up national efforts that are under way pursuant to the provisions of the Security Council, in particular its resolution 1373 (2001) of 28 September 2001; the stipulations of the Inter-American Convention against Terrorism, approved on 3 June 2002; and the provisions of the Andean Commitment to Peace, Security and Cooperation, contained in the Galápagos Declaration of 18 December 1989;

2. To take the necessary additional measures to prevent the commission of acts of terrorism, including through the exchange of information to give early warning to the relevant authorities;

3. To continue combating transnational criminal activities, in particular those connected with terrorism, such as illicit drug dealing, asset laundering and illegal arms trafficking.

V. COMMITMENTS TO LIMIT SPENDING ON FOREIGN DEFENCE AND THE CONTROL OF AND TRANSPARENCY IN CONVENTIONAL WEAPONS

The member States of the Andean Community agree:

1. To take joint measures to promote a credible and verifiable conventional arms limitation process within the region, taking due account of each country's domestic security needs and current spending levels, that would make it possible to allocate more funds to economic and social development, in keeping with the relevant principles and aims set forth in the Charter of the Organization of American States and the Declaration of Ayacucho;

2. To ban or restrict the use of certain conventional weapons that are considered excessively injurious or to have indiscriminate effects, in conformity with the regime contained in the United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects of 1980 and its additional protocols;

3. To accede to the Convention on Certain Conventional Weapons and to its protocols, including Amended Protocol II and Protocol IV, on the use of blinding laser weapons;

4. To sign and/or ratify the Inter-American Convention Against the Illicit Manufacture of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials and to make the necessary diplomatic efforts to ensure the prompt entry into force of this convention;

5. To ensure the timely submission of annual reports on the imports and exports of conventional weapons to the United Nations Register of Conventional Arms, established by United Nations General Assembly resolution 46/36 L of 1991;

6. To ensure the timely submission of standardized reports containing objective information about armaments, including the transparency of defence spending, in conformity with United Nations General Assembly resolutions 35/142 B of 1980, entitled "Reduction of military budgets", and 48/62 of 1994, entitled "Reduction of military budgets: transparency of military expenditures", and to exchange information directly among their respective foreign ministries, which shall inform their defence ministries accordingly;

7. To encourage all the Andean countries to ratify the Inter-American Convention on Transparency in Conventional Weapons Acquisitions, approved by the Organization of American States in 1999;

8. To ensure the annual exchange at the Andean subregional level, in February of each year, and until the Organization of American States Inter-American Convention on Transparency in Conventional Weapons Acquisitions enters into force, information on the imports and exports of the following conventional weapons: tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships and missiles or missile systems;

9. To report annually to the Secretary-General of the United Nations their military expenditures of the previous financial year before 30 April of each year, based on available data and using the appropriate reporting instrument, in compliance with United Nations General Assembly resolution 35/142 B of 1980, entitled "Reduction of military budgets";

10. To exchange information on military expenditure annually at the Andean subregional level before its submission to the United Nations and the Organization of American States, and to coordinate and standardize such information.

VI. COMMITMENT TO ENSURE THAT LATIN AMERICA IS DECLARED A ZONE FREE FROM BEYOND VISUAL RANGE AIR-TO-AIR MISSILES AND MEDIUM AND LONG RANGE STRATEGIC MISSILES

The member States of the Andean Community agree:

To welcome the invitation extended by the Government of Peru to hold a meeting of experts in Lima in September 2002 to start consultations with a view to the establishment in Latin America of a zone free from beyond visual range air-to-air missiles and medium and long-range strategic missiles.

VII. COMMITMENTS TO CONSOLIDATE THE BAN ON NUCLEAR, CHEMICAL AND BIOLOGICAL WEAPONS

The member States of the Andean Community reiterate their commitments:

1. To use the nuclear material and facilities under their jurisdiction exclusively for peaceful purposes and to comply scrupulously with the Treaty of Tlatelolco and its protocols;

2. To demand, pursuant to the agreement set out in the Final Document of the Ministerial Meeting of the Non-Aligned Movement Coordinating Bureau, held in Durban, South Africa, in April 2002, that countries possessing nuclear weapons should provide relevant information to the Governments of Andean countries on the transport of any nuclear material or waste off their coastlines. In this connection, the Andean Community countries shall continue to apply the International Atomic Energy Agency Regulations for the Safe Transport of Radioactive Material;

3. To prohibit the manufacture, reception or transit of fissile material and to refuse to allow any nuclear weapons or other explosive nuclear devices to be transferred, either directly or indirectly, within their respective territories;

4. To coordinate their positions at the United Nations General Assembly, the Conference on Disarmament and the Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons, so as to boost the effectiveness of the nuclear non-proliferation regime;

5. Not to develop, produce, acquire, stockpile, retain or use biological and toxin weapons under any circumstance whatsoever, in keeping with the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, of 1972;

6. To ensure the concerted application in the Andean subregion of the confidence-building measures established at the Third Review Conference of the Convention on Bacteriological (Biological) and Toxin Weapons and to coordinate the submission of the corresponding declaration forms;

7. Not to develop, use, produce, acquire in any other way, stockpile or retain chemical weapons, or to transfer such weapons to anyone else, directly or indirectly, in conformity with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, of 1993.

8. To facilitate the fullest possible exchange among their competent national agencies of chemical substances and scientific and technical equipment and information relating to the development and application of chemistry for purposes not prohibited by the respective conventions;

9. To ensure the timely submission of the annual declarations on relevant chemicals and facilities to the Organization for the Prohibition of Chemical Weapons and, at the same time, to send copies of these declarations to the member States of the Andean Community through their respective foreign ministries.

VIII. COMMITMENTS TO ERADICATE THE ILLICIT TRAFFIC IN FIREARMS, AMMUNITION, EXPLOSIVES AND OTHER RELATED MATERIALS

The member States of the Andean Community agree:

1. To take urgent measures to combat the illicit traffic in firearms, ammunition, explosives and other related materials, given its association with the worldwide problem of illegal drugs, terrorism, organized transnational crime, mercenary activities and other criminal behaviour, its direct effect on the security of citizens and the fact that it aggravates internal conflicts and hinders peace processes;

2. Also to adopt urgent measures to combat the illicit traffic in firearms that are intended to overturn the democratic institutional order of States;

3. To establish an Andean working group to develop a plan of action and follow up on specific bilateral and subregional cooperation projects to combat and eradicate the illicit traffic in firearms;

4. To ensure the prompt implementation of the recommendations contained in the United Nations 2001 Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, in particular the recommendations for the region.

IX. COMMITMENTS TO THE ERADICATION OF ANTI-PERSONNEL LANDMINES

The member States of the Andean Community agree:

1. To reaffirm their commitment not to use, develop, produce, acquire, stockpile, conserve or transfer anti-personnel landmines, directly or indirectly, under any circumstance whatsoever;

2. To destroy or ensure the destruction of all stocks of anti-personnel landmines within a period of four years, as from the date on which the Ottawa Convention entered into force for each State party, with the exception of those that are withheld or transferred for the development of mine detection, clearance or destruction techniques and training in those techniques;

3. To apply or continue to implement national, binational or multilateral programmes to speed up the destruction of anti-personnel mines that have been laid, so that these are destroyed in accordance with the schedules established in the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction of 1997;

4. To establish national programmes to care for mine victims and for their social and economic integration, as well as for the purposes of averting, and raising awareness of, the dangers of anti-personnel mines;

5. Strongly to urge other countries in the region that possess anti-personnel mines or in whose territory they have been laid to destroy them as rapidly as possible;

6. To issue an urgent appeal to groups operating outside the law to comply with the provisions of international humanitarian law in this area.

X. COMMITMENTS TO EXPAND AND STRENGTHEN CONFIDENCE-BUILDING MEASURES

The member States of the Andean Community agree:

1. To continue to apply and strengthen confidence-building measures which involve:

(a) Concluding agreements on the prior notification of military exercises;

(b) Establishing mutual confidence or security zones in border areas, as appropriate, adjusting the number and strength of the military units and outposts, with due consideration for each country's domestic security and development needs;

(c) Promoting the preparation and exchange of information on defence policy and doctrine;

(d) Inviting observers to attend military exercises, to visit military facilities, and to watch routine operations and exchanging civilian and military personnel for basic, advanced and further training;

(e) Holding meetings and taking other steps to prevent incidents and to increase the safety of land, sea, river, lake and air transport;

(f) Developing natural disaster prevention and cooperation programmes, at the request and with the authorization of the affected States;

(g) Running seminars, extension courses and to conduct studies on mutual confidence-building and security measures and policies to promote confidence, with the participation of civilian and military personnel;

(h) Conducting peace-oriented educational and cultural programmes and programmes for the promotion and defence of human rights;

(i) Fostering cooperation among Andean legislators on confidence-building measures and issues relating to subregional peace and security, including meetings, exchange visits and an Andean meeting of parliamentarians on common security matters;

(j) Opening the seminars, courses and studies on confidence-building and safety measures, disarmament and other issues connected with Andean peace and security to diplomatic training institutes, military academies, research centres and universities, with the participation in those activities of government, civilian and military officials, as well as representatives of civil society;

(k) Promoting bilateral talks between high-level military officers and the exchange of information and intelligence and incident verification arrangements in the border areas.

XI. FOLLOW-UP AND VERIFICATION ARRANGEMENTS

The member States of the Andean Community agree:

1. To hold periodic meetings of the Andean Council of Ministers for Foreign Affairs, together with the defence ministers of the Community, with a view to promoting dialogue and the harmonization of common security and confidence-building policies;

2. To convene a meeting twice a year of the high-level group on security and confidence-building measures, as the executive body of this Community policy;

3. To ensure that the General Secretariat of the Andean Community establishes, as soon as possible, a unit responsible for following up and effectively verifying the foreign policy measures agreed upon in the present Lima Commitment.

Lima, 17 June 2002

APPEAL TO THE INTERNATIONAL COMMUNITY WITH REGARD TO THE LIMA COMMITMENT

Aware that the present Andean Charter sets out the basic principles on security and peace that are upheld as the common aspirations of both the community of this hemisphere and the international community, the ministers for foreign affairs and of defence of the Andean Community invite and urge all the Governments of friendly countries to accede to this Charter freely and in a morally binding way. To that end, the ministries for foreign affairs of the Andean countries will promote such accessions through their embassies and will also request the United Nations Secretary-General to ensure the universal dissemination of the Charter, with a view to attaining the noble aims which it enshrines. Accessions from among the international community will be reported to the Government of Peru, which will inform the other Community Governments accordingly.

This appeal forms an integral part of the Lima Commitment.

CONFERENCE ON DISARMAMENT

CD/1679
28 June 2002

ENGLISH
Original : CHINESE, ENGLISH and RUSSIAN

LETTER DATED 27 JUNE 2002 FROM THE PERMANENT REPRESENTATIVE OF THE PEOPLE'S REPUBLIC OF CHINA AND THE PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION TO THE CONFERENCE ON DISARMAMENT ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE TRANSMITTING THE CHINESE, ENGLISH AND RUSSIAN TEXTS OF A WORKING PAPER ENTITLED "POSSIBLE ELEMENTS FOR A FUTURE INTERNATIONAL LEGAL AGREEMENT ON THE PREVENTION OF THE DEPLOYMENT OF WEAPONS IN OUTER SPACE, THE THREAT OR USE OF FORCE AGAINST OUTER SPACE OBJECTS"

We have the honour to transmit the Chinese, Russian and English texts of a working paper entitled "Possible Elements for a Future International Legal Agreement on the Prevention of the Deployment of Weapons in Outer Space, The Threat or Use of Force Against Outer Space Objects".

We would be grateful if this document could be issued and circulated as an official document of the Conference on Disarmament.

(Signed:)

HU Xiaodi
Ambassador
Head of Delegation of the
People's Republic of China to the
Conference on Disarmament

Leonid A. SKOTNIKOV
Ambassador
Permanent Representative of the
Russian Federation to the
Conference on Disarmament

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ENG

WORKING PAPER
PRESENTED BY THE DELEGATIONS OF CHINA, THE RUSSIAN FEDERATION, VIETNAM, INDONESIA, BELARUS, ZIMBABWE AND SYRIAN ARAB REPUBLIC

Possible Elements for a Future International Legal Agreement on the Prevention of the Deployment of Weapons in Outer Space, the Threat or Use of Force Against Outer Space Objects

I. Possible Name of Such Agreement

Treaty on the Prevention of the Deployment of Weapons in Outer Space, the threat or Use of Force Against Outer Space Objects

II. Preamble

Outer space is the common heritage of mankind and plays an ever-increasing role in its future development.

There exists a potential danger of an armed confrontation and combatant activities being extended to outer space.

The prevention of the deployment of weapons and an arms race in outer space becomes a pressing task facing the international community.

The United Nations General Assembly has adopted a series of resolutions on peaceful use of outer space and prevention of an arms race in outer space, which have provided a prerequisite and basis for the prevention of the deployment of weapons and an arms race in outer space.

The existing agreements on arms control and disarmament relevant to outer space, including those bilateral ones, and the existing legal regimes concerning outer space have played a positive role in the peaceful use of outer space and in regulating outer space activities. These agreements and legal regimes should be strictly complied with. However, they are unable to effectively prevent the deployment of weapons and an arms race in outer space.

For the benefit of mankind, outer space shall be used for peaceful purposes, and it shall never be allowed to become a sphere of military confrontation.

Only a treaty-based prohibition of the deployment of weapons in outer space and the prevention of the threat or use of force against outer space objects can eliminate the emerging threat of an arms race in outer space and ensure the security for outer space assets of all countries which is an essential condition for the maintenance of world peace.

III. Basic Obligations

Not to place in orbit around the Earth any objects carrying any kinds of weapons, not to install such weapons on celestial bodies, or not to station such weapons in outer space in any other manner.

Not to resort to the threat or use of force against outer space objects.

Not to assist or encourage other States, groups of States, international organizations to participate in activities prohibited by this Treaty.

IV. National Measures for the Implementation of the Treaty

Each State Party to the Treaty shall, in accordance with its constitutional process, take any measures necessary to prevent or prohibit any activity contrary to this Treaty on its territory, or in any other place under its jurisdiction or control.

V. The Use of Outer Space for Peaceful and Other Military Purposes

This Treaty shall not be construed as impeding the research and use of outer space for peaceful purposes or other military uses not prohibited by this Treaty.

Each State Party to the Treaty shall carry out activities in outer space in accordance with the general principles of international law and shall not violate the sovereignty and security of other States.

VI. Confidence Building Measures

To enhance mutual trust, each State Party to the Treaty shall promulgate its space programme, declare the locations and scopes of its space launch sites, the property and parameters of objects being launched into outer space, and notify the launching activities.

VII. Settlement of Disputes

If a suspicion arises against any State Party to the Treaty that it is violating the Treaty, the suspecting State Party, or a group of the suspecting State Parties to this Treaty shall conduct consultations and cooperate with the suspected State Party to this Treaty in order to settle down the aroused suspicion. Each suspecting State Party to this Treaty shall have the right to request clarification from the suspected State Party to this Treaty, whereas the suspected State Party to this Treaty shall undertake to provide requested clarifications.

If consultations or clarification fail to settle down the dispute, the suspicion that has aroused shall be referred to the executive organization of the Treaty for consideration together with relevant arguments.

Each State Party to this Treaty shall undertake to cooperate in the settlement of the suspicion that has aroused by the executive organization of the Treaty.

VIII. The Executive Organization of the Treaty

To promote the objectives and implementation of the provisions of this Treaty, the States Parties to the Treaty shall hereby establish the executive organization of the Treaty, which shall:

(a) receive for consideration inquires by any State Party or a group of States Parties to the Treaty related to the suspicion, which has aroused by the violation of this Treaty by any State Party to the Treaty;

(b) consider matters concerning the compliance with the obligations taken by the States Parties to this Treaty;

(c) organize and conduct consultations with the States Parties to the Treaty with a view to settling down the suspicion that has aroused against any State Party to the Treaty concerning its violation of this Treaty;

(d) take necessary measures to end violation of this Treaty by any State Party to the Treaty.

IX. Amendments to the Treaty

Any State Party to this Treaty may propose amendments to the Treaty. The text of any proposed amendment to this Treaty shall be submitted to the Depositary Governments who shall promptly circulate it to all the States Parties to the Treaty. Upon the request of at least one third of the States Parties to the Treaty, the Depositary Governments shall convene a conference to which all the States Parties shall be invited to consider the proposed amendment.

Any amendment to this Treaty must be approved by a majority of the votes of all the States Parties to the Treaty. The amendment shall enter into force for all the States Parties to the Treaty in accordance with the procedures governing the entry into force of this Treaty.

X. Duration of the Treaty and Withdrawal from the Treaty

The Treaty shall be of unlimited duration.

Each State Party to the Treaty shall, in exercising its state sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized its supreme interests. It shall give notice to the Depository Governments of the decision adopted six months in advance of the withdrawal from the Treaty. Such a notification shall include a statement of the extraordinary events, which the notifying State Party to the Treaty regards as having jeopardized its supreme interests.

XI. Signature and Ratification of the Treaty

This Treaty shall be open for signature by all States at United Nations Headquarters in New York. Any State, which does not sign this Treaty before its entry into force, may accede to it at any time.

The Treaty shall be subject to ratification by signatory States in accordance with their constitutional process. Instruments of ratification or accession shall be deposited with the Depositary Governments.

This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

XII. Entry into Force of the Treaty

This Treaty shall enter into force upon the deposit of instruments of ratification by twenty States, including all Permanent Member States of the United Nations Security Council.

For States whose instruments of ratification or accession are deposited after the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

XIII. Authentic texts of the Treaty

This Treaty, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the Depositary Governments, who shall send duly certified copies thereof to all the signatory and acceding States.

CONFERENCE ON DISARMAMENT

CD/1680
10 July 2002

Original : ENGLISH

LETTER DATED 26 JUNE 2002 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE CONFERENCE ON DISARMAMENT ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE TRANSMITTING THE TEXT OF HIS REMARKS ON OUTER SPACE DURING THE INFORMAL CONFERENCE ON "FUTURE SECURITY IN SPACE: COMMERCIAL, MILITARY, AND ARMS CONTROL TRADE-OFFS" SPONSORED BY THE MONTEREY INSTITUTE'S CENTER FOR NONPROLIFERATION STUDIES AND THE UNIVERSITY OF SOUTHAMPTON'S MOUNTBATTEN CENTER ON 29 MAY 2002

I recently had the honour to participate in an informal conference in England to discuss the topic, "Future Security in Space: Commercial, Military, and Arms Control Trade-offs". This highly informative gathering was sponsored by the Monterey Institute's Center for Nonproliferation Studies and the University of Southampton's Mountbatten Center.

My remarks during the informal conference may be of interest to colleagues here in Geneva. I therefore request that the statement I gave on May 29 be distributed as a CD document.

(Signed:) Eric M. Javits
Permanent Representative to the
Conference on Disarmament

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The U.S., Outer Space, and the CD

The United States continues to recognize the common interest of all countries in the exploration and use of outer space for peaceful purposes, as declared in the 1967 Outer Space Treaty. When our astronauts walked on the moon for the first time, they left the message that they "came in peace for all mankind." The United States and other nations have sent unmanned probes to explore outer space and the celestial bodies, to explore the surfaces and atmospheres of the other planets in our solar system in order to understand the environment beyond our world.

The exploration and use of space has not looked solely outward. Satellites orbiting the Earth monitor the weather, the climate, the growth of crops, and the impact of drought and land use. Communications satellites make possible rapid global sharing of information. Satellites have revolutionized terrestrial navigation and provided a new and powerful tool for accurate surveying of the Earth's surface. The peaceful exploration and use of outer space have also resulted in technological spin-offs that would take days to enumerate in their entirety.

The commitment of the United States to the exploration and use of outer space by all nations, for peaceful purposes and for the benefit of humanity, is clear. But the peaceful exploration and use of space obviously does not rule out activities in pursuit of national security goals.

The security and well being of many nations depend on the ability to operate in space, and Article 51 of the UN Charter makes it clear that all Member States have the inherent right of individual and collective self-defense. The global responsibilities of

the United States, and the new threats facing it in today's world, require that that right be exercised both on the Earth and above it. As Under Secretary Bolton told the Conference on Disarmament in his January 24 statement, the security and well being of the United States and its allies depend on the ability to operate in space. And we are not alone in having military space programs. Russia and China, for example, have such programs, too.

National security is the highest responsibility of a government, and each nation must decide on the elements of its security policy. Arms control and disarmament are not ends in themselves but tools to enhance security. Our discussion should be framed in that context.

Free access to space and use of space by space-faring nations are central to the preservation of peace and the protection of civil, commercial and security interests. The United States sees no justification for limitations on the right of sovereign nations to acquire all forms of information from space.

We fully understand that maintaining international peace and security is an overarching purpose that guides activities on earth as well as in outer space, but in the final analysis preserving national security is likewise necessary and essential. For these reasons, the United States sees no need for new outer space arms control agreements and opposes negotiation of a treaty on outer space arms control.

Some suggest that a new forum might be the appropriate place for outer space arms control efforts. We do not share this view. Changing venues would not change national positions. States would still have the same concerns that they have in existing fora.

The Existing Outer Space Regime Is Sufficient

A number of standing agreements already sufficiently regulate military activities in outer space. The Limited Test Ban Treaty of 1963 prohibits parties from conducting nuclear weapon test explosions or other nuclear explosions in outer space. The activities of the Committee on the Peaceful Uses of Outer Space, which facilitated the negotiation of the Outer Space Treaty itself, also reinforce the existing regime. The Committee on Peaceful Uses does not deal with disarmament and arms control aspects of outer space, of course; but it is concerned with promoting international cooperation in the peaceful uses of space.

Most important, however, is the Outer Space Treaty, to which the United States remains firmly committed. The Outer Space Treaty puts celestial bodies off limits to all nuclear weapons or other weapons of mass destruction and prohibits States Parties from placing in orbit or stationing such weapons in outer space — a far-reaching nonproliferation measure in itself. It also provides that celestial bodies shall be used exclusively for peaceful purposes and prohibits their use for military establishments or maneuvers, or for testing any type of weapons. In addition, the Outer Space Treaty

clearly establishes that States Parties retain jurisdiction and control over objects they have launched into outer space, and have international responsibility for national objects in outer space, including whatever damage the launched item may cause.

In sum, there already exists an extensive and comprehensive system for limiting the uses of outer space to those that are peaceful and providing a framework for the legitimate military uses of outer space. We believe that this existing multilateral arms control regime adequately protects states' interests in outer space and does not require augmentation. There simply is no problem in outer space for arms control to solve. The problems we all need to address are right here on earth — the need for effective implementation of, and full compliance with, key regimes that tackle the very real threat of weapons of mass destruction — above all the Nuclear Nonproliferation Treaty, Chemical Weapons Convention, and Biological Weapons Convention.

The United States is committed, through its national space policy, to ensuring that exploration and use of outer space remain open to all nations for peaceful purposes and for the benefit of all humanity. For us as for others, "peaceful purposes" does of course allow for activities that support and serve national security goals. Improving our ability to support military operations worldwide, monitor and respond to military threats, and monitor arms control and non-proliferation agreements are key priorities for our national security space activities — and they help strengthen international stability and security. The lawful military use of space provides broad benefits to the international community in the areas of communications, global positioning, navigation, environmental monitoring, combating terrorism, and cooperating in enforcement of UN Security Council sanctions.

Time to Move On

The United States continues to hear calls for immediate negotiations in the CD to forestall all manner of ills: (1) the possibility that missile defense would upset strategic stability, leading to a new arms race here on earth; (2) the potential for disruption of the arms control process; and (3) the risk of an arms race in outer space. The United States has always believed these concerns are groundless.

Clearly, missile defense has not upset strategic stability or led to a new arms race. The Treaty signed in Moscow on May 24 shows that. Importantly, the Treaty of Moscow also demonstrates that pursuit of missile defense and the demise of the ABM Treaty are not an impediment to further reductions in nuclear weapons or to increased U.S.-Russian cooperation. Clearly also, U.S. missile defense efforts, and the various systems under development, are not directed against Russia or China. Rather, they are designed to defend against limited ballistic missile attack in a world where increasing numbers of states are striving to be able to threaten such an attack. Finally, as we have tried to make clear, it is not a replacement for deterrence through response or retaliation, but a supplement to it — adding a new dimension to deterrence. Indeed, if a non-state actor knew that a limited attack on the United States was not likely to

succeed, they would be much less inclined to develop weapons of mass destruction. A system capable of defending against a large-scale attack with sophisticated weapons would be both qualitatively and quantitatively different from that which the United States is pursuing.

The United States remains committed to the arms control and disarmament process. The landmark strategic arms reductions agreement signed by Presidents Bush and Putin in Moscow on May 24 has reaffirmed that commitment and finally laid to rest the Cold War world and the arms race it spawned. There is no contradiction between that process and pursuit of a limited MD system. And while the United States and Russia have had different views on the merits of the ABM Treaty, its disappearance is simply not a problem. The reality is that U.S.-Russian relations are broad and strong enough to weather this sort of disagreement. As the Moscow Summit showed, it is a new and better day.

Summation

The United States continues to recognize the common interest of all mankind in the furtherance of the exploration and use of outer space for peaceful purposes, as declared in the 1967 Outer Space Treaty. We see no need for further outer space treaties. We should move on to other themes that address immediate and serious threats to mankind.

CONFERENCE ON DISARMAMENT

CD/1681
22 August 2002

Original : ENGLISH

GERMANY

Discussion Paper

Radiological Weapons

I.

1. The agenda for the 2002 session of the CD contains under item 5 the issue of radiological weapons. No Ad Hoc Committee has been established on this topic since 1993.
2. Against the backdrop of an overall changed security situation, the new threats of terrorism and in particular the fact that a "dirty bomb" could be a terrorists' weapon of choice it is suggested to explore whether the issue of radiological weapons should again be actively considered by the Conference on Disarmament.
3. The exploration should be undertaken on the basis of the following understanding:
   - The discussion should establish whether a ban on radiological weapons should be pursued; a mere continuation of the work that was conducted by the CD until 1992 should not be the goal of the exercise.
   - Any approach considered for radiological weapons should strengthen and not detract from or duplicate initiatives and efforts undertaken by the IAEA, States and relevant regulatory bodies aimed at reducing the threat of nuclear theft and sabotage.
   - The consideration of the issue of radiological weapons should be conducted independently from the other issues which the CD has primarily focused on over the last months and years; i.e. it should not be construed as detracting from the need to overcome the present stalemate in the CD and start substantive work on these other issues.

II.

1. For a long time radiological weapons have been considered a secondary issue, as no such weapons have existed and as, during the discussion of the subject, a number of problems have arisen with regard to definitions, scope and verifiability of a treaty (originally suggested in a joint working paper submitted to the CD by the US and the USSR in 1979) on banning the development, production, stockpiling and use of radiological weapons.
2. Revisiting the issue today we have to proceed from the following:
   There is now an acute awareness of the risks that a "dirty bomb" could be used in particular by non-State actors. In the face of inadequate controls of the world's radioactive sources

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there is now a special focus on protecting nuclear material against terrorism or theft. The IAEA is serving as a catalyst for these efforts by inter alia providing assistance to States, establishing recommendations for minimum levels of security and providing the forum for amending the Convention on the Physical Protection of Nuclear Material of 1980 with a view to extending its coverage. Still there is no treaty requiring countries using radioactive material usable for radiological weapons to protect it from being stolen. As the Director-General of IAEA Mohamed ElBaradei put it: "Bringing the global inventory of radioactive material under proper controls will require a sustained and concerted effort".

III.

Exploring the issue of radiological weapons the following aspects could be addressed:

- Should radiological weapons be banned? Could such a ban, which would create a new international norm, contribute to addressing the new security threats that we are facing?
- Could such a ban further legitimize and give an impetus to international efforts aimed at providing for more effective protection and control of radioactive materials?
- Could an agreement or treaty help enhance international cooperation on the protection of radioactive materials by e.g. providing for a provision to that effect?
- Could such an agreement or treaty also help prevent non-State actors from gaining access to relevant radioactive material/acquiring radiological weapons? (cf. the CWC contains a specific provision which establishes a common minimum standard of national implementation and inter alia requires the enactment of penal legislation relating to any prohibited activity undertaken anywhere on the territory of each State party or in any other place under the jurisdiction of control of that party.)
- Is it possible to arrive at an agreed definition of radiological weapons? (A clear distinction would have to be drawn between nuclear and radiological weapons. Radiological weapons might be conceived as weapons containing radioactive material, but not using that material to produce a nuclear explosion, as is the case with a nuclear weapon. To illustrate the point: dirty bombs would be constructed of conventional explosives and radioactive material, the detonation of which would result in the dispersion of the radioactive material contained in the bomb.)
- Should a treaty or agreement on radiological weapons contain verification provisions? Would a consultation and cooperation mechanism make sense? (cf. recent proposal by Senator Richard Lugar to create an international verification body holding all the States that possess WMD or programmes that support them accountable. Under the rules he proposes for that body, the relevant nations would be required to secure weapons and materials from theft or proliferation.)

CONFERENCE ON DISARMAMENT

CD/1682
30 August 2002

ENGLISH
Original: CHINESE and
ENGLISH

LETTER DATED 28 AUGUST 2002 FROM THE PERMANENT REPRESENTATIVE OF THE PEOPLE'S REPUBLIC OF CHINA TO THE CONFERENCE ON DISARMAMENT ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE TRANSMITTING THE CHINESE AND ENGLISH TEXTS OF A DOCUMENT ENTITLED "DRAFT DECISION ON THE ESTABLISHMENT OF AN AD HOC COMMITTEE ON THE PREVENTION OF AN ARMS RACE IN OUTER SPACE AND ITS MANDATE"

I have the honour to forward herewith the Chinese and English texts of a document entitled "Draft decision on the establishment of an ad hoc committee on the prevention of an arms race in outer space and its mandate".

I would be grateful if this document could be issued and circulated as an official document of the Conference on Disarmament.

(Signed:) HU Xiaodi
Ambassador
Head of Delegation of the
People's Republic of China to the
Conference on Disarmament

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The Chinese Delegation

Draft decision on the establishment of an ad hoc committee on the prevention of an arms race in outer space and its mandate

The Conference takes the following decisions:

...

The Conference establishes, for the duration of the current session, an Ad Hoc Committee under agenda item 3 entitled "prevention of an arms race in outer space" to deal with the prevention of an arms race in outer space. The Ad Hoc Committee shall examine and identify specific topics or proposals, which could include confidence-building or transparency measures, general principles, treaty commitments and the elaboration of a regime capable of preventing an arms race in outer space, with a view to negotiating relevant international legal instrument.

The Ad Hoc Committee shall take into consideration all relevant views and proposals present and future and also address questions related to its mandate.

The Ad Hoc Committee shall present a report to the Conference on Disarmament on the progress of its work before the conclusion of the current session.

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